

## Message Text

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TO SECSTATE WASHDC PRIORITY 9520

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E.O. 11652: N/A

TAGS: ETRD IN

SUBJECT: ARBITRATION AGREEMENTS WITH THE SOVIET CHAMBER OF COMMERCE

REF: STATE 144667

1. WE DISCUSSED INDIAN-USSR BILATERAL ARBITRATION AGREEMENT WITH  
OFFICIALS OF THE FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND  
INDUSTRY (FICCI), PRIVATE TRADERS WHICH DO SUBSTANTIAL BUSINESS  
WITH THE USSR AND WITH OFFICIALS OF THE STATE TRADING CORPORATION.

2. THE AGREEMENT RECOMMENDS THAT PARTIES INCLUDE IN THEIR  
COMMERCIAL CONTRACTS AN ARBITRATION CLAUSE WHICH PROVIDES FOR THE  
SETTLEMENT OF DISPUTES BY ARBITRATION; ARBITRATION BY THE FOREIGN  
TRADE ARBITRATION COMMISSION UNDER THE USSR CHAMBER OF COMMERCE  
IF THE DEFENDANT IS A SOVIET FTO; ARBITRATION BY THE ARBITRATION  
TRIBUNAL OF FICCI IF THE DEFENDANT IS AN INDIAN PHYSICAL OR  
JURIDICAL PARTY; AND THAT THE AWARD OF THE ARBITRATION PANEL BE  
BINDING ON BOTH PARTIES. COPIES OF THE AGREEMENT HAVE BEEN AIR  
POUCHED TO STATE/MORLEY AND COMMERCE/ADERHOLD.

3. FICCI'S ARBITRATION TRIBUNAL NOW HAS ABOUT 100 CASES BEFORE IT  
INVOLVING FOREIGN COUNTRIES. ABOUT 80 PERCENT OF THESE CASES  
EMANATE FROM POLAND, USSR, GDR AND OTHER EAST EUROPEAN COUNTRIES.  
NO STATISTICS ARE MAINTAINED ON DISPUTES WHICH ARE AMICABLY RESOLVED  
BEFORE THEY GO TO ARBITRATION. VIRTUALLY ALL COMMERCIAL CONTRACTS  
WITH THE USSR AND OTHER EAST EUROPEAN COUNTRIES CONTAIN THE  
RECOMMENDED ARBITRATION CLAUSE OR THE SUBSTANCE OF IT. INCLUSION  
OF THE CLAUSE IS AT THE INITIATIVE OF EITHER PARTY AND WE FIND NO  
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EVIDENCE THAT SOVIET FTO'S ATTEMPT TO FORCE THE INCLUSION OF THE

ARBITRATION CLAUSE ON INDIAN PARTIES. NOR IS THERE EVIDENCE THAT  
INDIAN PARTIES FIND THE CLAUSE OFFENSIVE.SAXBE

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